



Town of Tonawanda Board
2919 Delaware Ave
Kenmore, NY 14217
Marguerite Greco, Town Clerk

Meeting: 05/06/19 07:00 PM
Department: Supervisor

RESOLUTION 2019-363

Motion: The Town of Tonawanda Town Board Requests the New York State Department of Environmental Conservation to Formally Place the Former Tonawanda Coke Site in the Brownfield Cleanup Program.

WHEREAS, In October 2018, after years of contributing to air and ground pollution in the Tonawanda's and after a 2014 conviction for violating federal environmental laws (only the second criminal prosecution ever in the United States for federal environmental laws), Tonawanda Coke ceased operations, leaving behind many hazards and contaminants on the site; and

WHEREAS, the company was under federal, state and local government pressure and concern, as well as community outrage over its emissions of benzene into the air and the closure followed a September 2018 ruling by U.S. District Court Judge William Skretny finding Tonawanda Coke guilty of violating its probation by breaking environmental laws associated with its heat stack emissions; and

WHEREAS, there are many governmental and community concerns about the plant, such as the toxic disorder left on the property by its owners; and

WHEREAS, the DEC and EPA have been working at the plant since September-October 2018 monitoring and overseeing the shut-down and taking steps to safeguard the site, but it has not yet been determined whether the DEC will seek a Brownfield Cleanup Program (BCP) Designation for the Tonawanda Coke site; and

WHEREAS, without the benefits of the BCP, industrial sites may take decades to cleanup and then sit idle/vacant longer, while waiting for a developer to choose between similar industrial sites in the community; and

WHEREAS, the BCP has a long and proven record of successfully remediating environmentally contaminated properties in Western New York and throughout all of New York State; and

WHEREAS, the Tonawanda Coke property is located in close proximity to the Niagara River and residential neighborhoods within the Town and a complete, safe and expeditious cleanup of the site is in the best interests of the community;

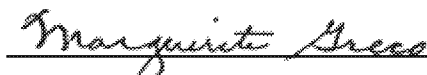
NOW, THEREFORE, BE IT RESOLVED, that the Town of Tonawanda requests the New York State Department of Environmental Conservation expedite its site investigations and assessment of Tonawanda Coke property to help protect the community and help hold Tonawanda Coke and/or responsible parties accountable; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor Andrew Cuomo, Assemblyman Robin Schimminger, State Senator Christopher Jacobs, State Senator Timothy Kennedy, Acting EPA Administrator Andrew Wheeler, EPA Region 2 Administrator Peter Lopez, DEC Commissioner Basil Seggos, Region 9 DEC Administrator Abby Snyder, and Erie County Executive Mark Poloncarz

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Emminger, Supervisor
SECONDER:	John Bargnesi, Councilman
AYES:	Emminger, Bargnesi, Chimera, Conrad, Crangle

I do certify that I have compared the foregoing with the original minutes of the regular meeting of the Town Board held on May 06, 2019 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by said Town Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 7th day of May 2019.



**Marguerite Greco, Town Clerk
Town of Tonawanda, NY**